

Report on the

Board of Boilers and Pressure Vessels

Montgomery, Alabama



Department of Examiners of Public Accounts

50 North Ripley Street, Room 3201
P.O. Box 302251
Montgomery, Alabama 36130-2251

Ronald L. Jones, Chief Examiner

STATE OF ALABAMA
Department of
EXAMINERS OF PUBLIC ACCOUNTS

Telephone (334) 242-9200
FAX (334) 242-1775

Ronald L. Jones
Chief Examiner

Mailing Address:
P.O. Box 302251
Montgomery, AL 36130-2251

Location:
Gordon Persons Building
50 North Ripley Street, Room 3201
Montgomery, AL 36104-3833

July 30, 2008

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Board of Boilers and Pressure Vessels** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Board of Boilers and Pressure Vessels**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones
Chief Examiner

Examiners
Daniel Dupree

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PROFILE

Purpose/Authority

The Alabama Board of Boilers and Pressure Vessels was established effective July 1, 2000 by *Acts of Alabama*, Act 2000-315 as part of a program to ensure the safety of boilers and pressure vessels operating in the state. The board functions as an advisory board to the Commissioner of Labor, who administers the program. The program regulates the construction, installation, inspection, maintenance, and repairs of boilers and pressure vessels and certifies the competency of persons performing inspections of boilers and pressure vessels. Statutory authority for operation of the program is found in the *Code of Alabama 1975*, Sections 25-12-1 through 25-12-22.

Characteristics

Members and Selection	Nine members consisting of the Commissioner of Labor (or his designee) and eight other members appointed by the commissioner. <i>Code of Alabama 1975 §25-12-3</i>
Term	Four (4) years for members appointed by the Commissioner of Labor. The Commissioner of Labor serves ex officio. <i>Code of Alabama 1975 §25-12-3</i>
Qualifications	Of the eight appointed members, the majority must be registered, professional engineers when available, to include: <ul style="list-style-type: none">• One representative of owners and users of power boilers• One representative of owners and users of heating boilers• One representative of owners and users of pressure vessels• One representative of boiler or pressure vessel manufactures• One representative of the crafts involved in the construction, repair, or operation of boilers or pressure vessels• One representative of the heating contractors• One representative of a company licensed to insure and insuring in this state boilers and pressure vessels• One representative of the public The majority of board members must have experience in design, construction, inspection, repair, or operations of boilers or pressure vessels. <i>Code of Alabama 1975 §25-12-3</i>

Racial Representation	No statutory requirement. No minority race members.
Geographical Representation	No statutory requirement.
Consumer Representation	One board member must represent the public. There is one member of the public serving <i>Code of Alabama 1975 §25-12-3</i>
Other Representation	No statutory requirement.
Compensation	The board's enabling statutes do not provide for compensation or travel expenses; however, all persons traveling in the service of the state are entitled to travel allowances at the rates provided for state employees.
<u>Operations</u>	
Administrator	Jim Bennett Commissioner, Department of Labor (No additional salary for board duties) <i>Code of Alabama 1975, §25-12-3</i>
Location	Department of Labor 100 North Union Street, Suite 620 Montgomery, AL 36130
Examinations	No examinations are administered in Alabama. (see Significant Items section of this report) The National Board of Boiler and Pressure Vessel Inspectors (National Board) requires examination for certification by the National Board for inspectors. Certification by the National Board is a condition of being awarded a certificate of competency by the Alabama program. <i>Code of Alabama 1975 §25-12-10(a), §25-12-11</i>

Renewals	Certificates of Operation	
	Type	Renewal
	Power boilers, high pressure, high temperature water boilers	Annual
	Low pressure steam or vapor heating boilers	Biennial
	Hot water heating and hot water supply boilers	Biennial
	Pressure vessels	Annual
<i>Code of Alabama 1975, §25-12-14</i>		
Certificates and Permits	Type Certificate/Permit	Number Issued
	Certificate of Competency*	110
	Certificate of Operation**	5465
	New Install Permits**	401
* Current as of June 2008		
** Issued from 7-16-2007 to 6-25-2008		
Reciprocity	No statutory provision.	
	The department will accept an inspector's certificate of competency from another state if the applicant has been examined and is certified (commissioned) by the National Board of Boilers and Pressure Vessels.	
Continuing Education	No statutory provision.	
	However, the board requires inspector certificate holders to remain certified by the National Board of Boilers and Pressure Vessels. The National Board requires each commissioned (certified) inspector to either attend a National Board seminar or receive other instruction related to inspections at least once every three years.	
Employees	8 Merit system employees (some shared with the Elevator Safety Review Board)	
Legal Counsel	Jack Wallace, Office of the Attorney General	
Subpoena Power	No provision in the regulatory statutes.	

Internet Presence	http://www.alalabor.state.al.us Internet presence is within the Department of Labor website, which provides links: <ul style="list-style-type: none"> • To the boiler and pressure vessel regulatory act • Press releases • State Board of Boilers and Pressure Vessels • Boiler Rules and Regulations • State Statutes • A listing of Board members • Forms
Attended Board Member Training	Chief Inspector Commissioner's Secretary Division Secretary
<u>Financial</u>	
Source of Funds	Fees for Certificates of Operation, New Install Permits, and Re-inspections
State Treasury	Yes
Unused Funds	Unexpended balances of fees are retained. (see Significant Items section of this report) <i>Code of Alabama 1975 §25-12-18</i>

SIGNIFICANT ITEMS

There are no new significant items. A report on the board's operations was presented to the Sunset Committee in 2007.

STATUS OF PRIOR SIGNIFICANT ITEMS

Except for the following, all prior significant items have been resolved.

- Prior Significant Item - The board's receipts are not deposited into the General Fund, as required by law.** The *Code of Alabama, 1975 Section 25-12-18* states "The owner or user of a boiler or pressure vessel required by this chapter to be inspected by the chief inspector or his or her deputy inspector shall pay directly to the chief inspector, upon completion of inspection, fees as prescribed in rules and regulations promulgated by the commissioner. Pressure vessel certificates of inspection fees shall not exceed ten dollars (\$10) annually. *The chief inspector shall transfer all fees received to the General Fund of the State Treasury. All funds, pursuant to this chapter, deposited in the State Treasury shall be appropriated by*

the Legislature to the Commissioner of Labor pursuant to Budget Management Act and Article 4 of Chapter 4 of Title 41.”

The intent of the emphasized language appears to be to preserve for the Department of Labor all deposits of boiler and pressure vessel fees. However, deposit of the fees into the General Fund would thwart this intent.

If the fees were deposited into the General Fund, the board would lose the balance of unexpended fees at the end of each fiscal year. Authority to spend from the General Fund is limited to the amount of the appropriation in the annual appropriation act. Appropriations expire each year, and unexpended balances of General Fund appropriations are not preserved. Agencies that operate from the General Fund begin each fiscal year with a zero balance other than amounts reserved for prior year obligations that have not been paid.

Rather than being deposited into the General Fund, fees were and are deposited into a separate Department of Labor fund that also contains federal funds. Unlike the General Fund, unexpended amounts in this fund are preserved for the use of the board.

Current Status: Unsuccessful legislation that would have corrected this discrepancy was sponsored by Representative Laird in 2005 (HB739), 2007 (HB659), and 2008 (HB132), and in 2008 (SB199) by Senator McClain. The corrective legislation was worded as, “*The chief inspector shall transfer all fees to the State Treasury to the credit of the Department of Labor for its operation.*” This language would have allowed the Department of Labor to retain unexpended fees at the end of the year by lawfully depositing fees into a fund other than the General Fund.

- 2. Prior Significant Item - There is no provision in the law for an administrative penalty such as a warning or citation preliminary to suspension of a certificate of operation or an order to cease operation.** The *Code of Alabama 1975*, Section 25-12-15 (e) and (f) authorizes the commissioner or his/her representative to suspend an inspection certificate after showing cause and to issue a written order to temporarily cease operation of a boiler or pressure vessel if it is determined after inspection to be hazardous or unsafe. The law does not authorize lesser measures such as warnings or citations. The department expressed a desire for such preliminary steps. Legislation to authorize warnings and citations (HB 659) was sponsored by Representative Laird in the 2007 legislative session. The bill did not pass.

Current Status: This condition remains. Unsuccessful legislation sponsored by Representative Laird (HB132) and Senator McClain (SB199) in the 2008 legislative session would have authorized written warnings and citations. The legislation would have also allowed the board to impose a civil penalty of \$100 for each citation.

- 3. Prior Significant Item - Statutes now in effect provide that a violation is a misdemeanor but specifies no misdemeanor classification.** The *Code of Alabama 1975*, Section 25-12-17 states only that, “The operation of a boiler or pressure vessel

without the inspection certificate or at a pressure exceeding that specified in the inspection certificate or in violation of this chapter shall constitute a misdemeanor”. The department expressed a desire to classify the misdemeanor as “Class A”. Legislation to make this amendment was sponsored by Representative Laird in the 2007 legislative session as HB 659. The bill did not pass.

Current Status: This condition remains. Unsuccessful legislation was sponsored by Representative Laird (HB132) and Senator McClain (SB199) in the 2008 legislative session attempted to clarify the type of misdemeanor. The corrective legislation would have classified violation of the regulatory law as a “Class A” misdemeanor.

- 4. Applicants without inspector certification cannot obtain certification by application to the Alabama Board of Boilers and Pressure Vessels.** The Alabama board requires its applicants to be certified by the National Board of Boiler and Pressure Vessels, which includes passing a National Board examination. The National Board accepts payment only from the states that have a chief inspector, and the National Board does not accept payment from individual applicants. Alabama has a chief inspector and has adopted and published administrative rules that describe the process for being examined and becoming certified in Alabama. However, the Alabama Board does not make the National Board examination available, citing the need for an examination fee, which Alabama statutes do not authorize. Persons in Alabama seeking initial certification must apply through other states. In this area, an applicant may take the exam in Georgia, Tennessee, or Mississippi. Legislation authorizing an examination fee was sponsored by Representative Laird in the 2007 legislative session as HB 659. The bill was not successful.

Considering the amount of fees collected by the board and the number of potential applicants for initial certification, inspection fees appear to provide sufficient funding to cover the cost of examinations without the need to collect a separate examination fee.

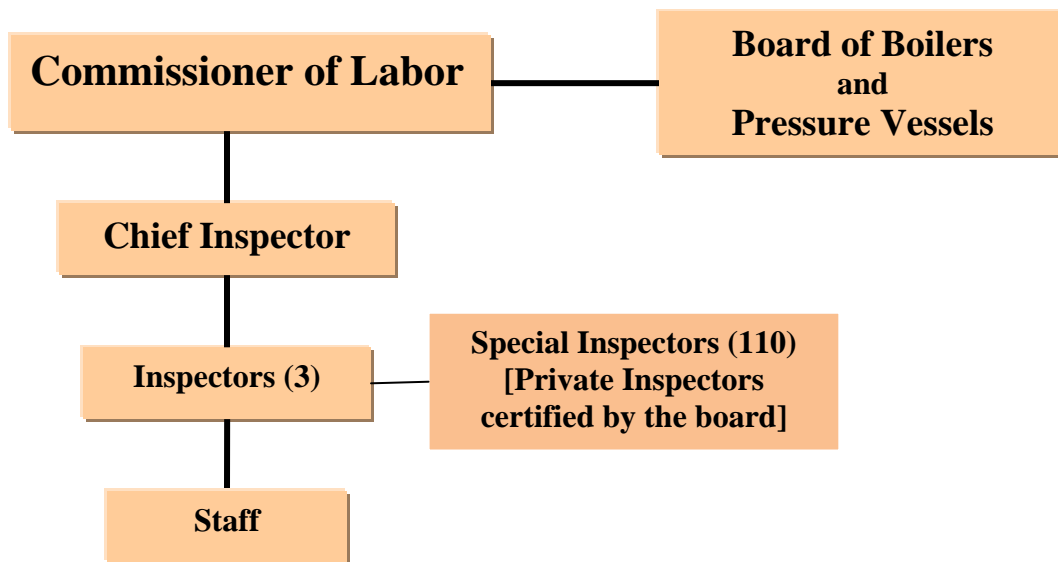
Current Status: This condition remains. Unsuccessful legislation sponsored by Representative Laird (HB132) and Senator McClain (SB199) in the 2008 legislative session would have allowed the board to impose a fee for examination.

- 5. Prior Significant Item - Legislation submitted in the 2007 legislative session to amend the boiler and pressure vessel regulatory program was not successful.** HB659 of the 2007 regular session, sponsored by Representative Laird; would have made the following amendments:
- Authorized the chief inspector to issue warnings and citations for violations with a civil penalty of \$500 per citation.
 - Authorized the board to impose fees for inspector examinations and certificates of competency.
 - Provided the commissioner, the chief inspector, or any deputy inspector with access to boilers and pressure vessels operated in the state. (Section 25-12-14)

- Clarified the statute by classifying the operation of a boiler or pressure vessel without a certificate of operation as a Class A misdemeanor.

Current Status: Legislation sponsored by Representative Laird (HB132) and Senator McClain (SB199) in the 2008 legislative session to amend the boiler and pressure vessel regulatory program was not successful. The legislation would have made the same amendments as the 2007 legislation, with the exception of the amount of the civil penalty, which was lowered to \$100.

ORGANIZATION



PERSONNEL

Classification	Number of Employees	Race	Gender
Chief Boiler Inspector*	1	White	Male
Boiler Inspectors	3	White	Males
ASA II*	1	White	Female
ASA I*	1	White	Female
Clerk*	1	White	Male
Clerical Aide*	1	White	Female

The Board of Boilers and Pressure Vessels operates within the Department of Labor.

*According to the Chief Elevator/Boiler Inspector, these employees work equal time for the Elevator Safety Review Board and the Board of Boilers and Pressure Vessels.

PERFORMANCE CHARACTERISTICS

Number of Persons per Inspector in Alabama and surrounding States

	Population (Estimate) *	Inspectors	Persons Per Certificate Holder
Alabama	4,627,851	114**	40,595
Florida	18,251,243	Not provided ***	
Georgia	9,544,750	Not provided ***	
Mississippi	2,918,785	Not provided ***	
Tennessee	6,156,719	Not provided ***	

* July 1, 2007 Census Bureau Population Estimates Report

** As of June 2008: 110 special inspectors, 3 deputy inspectors and one chief inspector (the chief inspector does not normally conduct inspections). Alabama issues certificates of competency to qualified special (private) inspectors, all of whom are employed by insurance companies that insure boilers/pressure vessels in Alabama.

*** Inquiries were not successful

Operating Disbursements per Certificate of Operation of a Boiler or Pressure Vessel (Fiscal Year 2007) - \$41.13

Notification to Certificate/Permit Holders of Board decisions to Amend

Administrative Rules

The board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Certificate or permit holders are not specifically notified of proposed changes.

Inspections and Violations

Total Inspections	Board Inspectors	Inspections by Board Inspectors
*11,467	3	*3,412

*Inspection statistics 10-1-2006 through 6-25-2008

When inspections are completed, the owner/installer is given a copy of the inspection report. The inspector sends the inspection report to the Department of Labor, where inspection and violation information is entered into the board's database. After data entry, an invoice for the inspection and a violation notification letter are sent to the owner/installer. The owner/installer is allowed 30 days to correct any violations. The owner/ installer must sign and date the violation notification letter, and return it along with the paid invoice to the board offices. If a violation notification letter is not returned within 60 days, departmental staff contact the owner/ installer periodically to determine if the violations are corrected. In subsequent inspections, the inspector determines if corrections were completed. A certificate of operation for the boiler or pressure vessel is not issued or renewed until the violations are corrected. As of June 25, 2008, there were 4,092 recorded open violations.

Complaint Handling and Resolution

The board has not finalized a complaint handling system. The procedures are currently under development. To date, the board has not received any complaints.

SMART BUDGETING

The Director of Finance implemented a system of budgeting named SMART, an acronym for Specific, Measurable, Accountable, Responsive, and Transparent. The SMART system requires each agency to submit performance goals and objectives to the Department of Finance - the goals to be stated as long-term, multi-year targets, which are to be achieved through accomplishment of stated objectives, which are single-year targets. The agency reports its progress toward achievement of the objectives on Quarterly Performance Reports, which are available to the public at the state's Internet website. <http://www.smartbudgeting.alabama.gov/FormsDownload/FormSelect.aspx>

The Department of Labor submitted its 2007 and 2008 Operations Plans and Quarterly Performance Reports in the state's SMART Budgeting program for the board as required.

The Department of Labor SMART Quarterly Performance Reports for the 2007, and 2008 fiscal years relative to the Board of Boilers and Pressure Vessels are included in the Appendices of this report.

The SMART performance goals and objectives for the 2007, and 2008 fiscal years and the examiner's comments are presented in the following tables.

2007 GOALS	COMMENTS
1. To hire two jurisdictional inspectors	This is a staffing rather than a performance goal. The goal does not address how well an activity is done
2. To maintain records of all boilers and pressure vessels inspected in the state	The goal is a statement of normal work, not a performance goal. The goal does not address how well an activity is done
3. To resolve all complaints in a timely manner	There is no long-term target level of performance. Timely is undefined.

2007 OBJECTIVES	Reported	COMMENTS
4. Reduce the number of complaints to one per 100 inspections reports	No annual data reported	Inappropriate - Inspection reports are not a factor in the number of complaints.
5. Reduce the time spent entering inspection reports by 2% (2052)	No annual data reported	Appears appropriate, but the target is not stated in units of time.

2008 GOAL	COMMENTS
1. Promote public awareness of our safety program	The goal is a general statement of work to be done, not a performance goal. The goal does not address how well an activity is done. There is no long-term target level of performance. Too vague to reasonably measure.

2008 OBJECTIVE	COMMENTS
1. Establish training seminars for elevator/ boiler inspectors, contractors and users with help from professional training organizations.	This is a workload item rather than a measure of performance. Does not address how well an activity is done.

FINANCIAL INFORMATION

Operating funds are provided by fees collected. The fees are deposited and disbursed from the State Treasury in Fund 0576 entitled Labor-Federal Funds. This fund also contains receipts from the Elevator Safety Review Board and federal grants from the Bureau of Labor Statistics, U.S. Department of Labor; Occupational Safety and Health Administration. The board's fees are required by law to be deposited into the state's General Fund but are deposited into this Fund 0576 to preserve year-end balances of unexpended receipts [See report section entitled SIGNIFICANT ITEMS].

Schedule of Fees

Statutory authority for all fees - *Code of Alabama 1975 §25-12-16*

Administrative Code	Fee	Amount
490-X-2-.02(1)(a)1.	Power/ High Temperature Boilers of 50 sq. ft. of heating surface or less	\$ 60
490-X-2-.02(1)(a)2.	Power/ High Temperature Boilers over 50 sq. ft. and less than 2000 sq. ft.	\$ 90
490-X-2-.02(1)(a)3.	Power/ High Temperature Boilers of 2000 or more sq. ft.	\$120
490-X-2-.02(1)(b)(1)	Heating Boilers w/ manhole	\$ 90
490-X-2-.02(1)(b)(2)	Heating Boilers w/o manhole	\$ 60
490-X-2-.02(1)(c)1.	Each pressure vessel subject to inspection having a product, as determined above, of 50 sq. ft. or less	\$ 60
490-X-2-.02(1)(c)2.	For each additional 100 sq. ft., or portions thereof, of area in excess of 50 sq. ft.	\$ 10
490-X-2-.02(2)(a)	Installation of all pressure vessels	\$ 50
490-X-2-.02(2)(b)	Installation of all boilers	\$ 50
490-X-2-.02(2)(c)	Installation of all Alabama State Specials*	\$ 75
490-X-2-.02(3)(a)	Certificate of inspection: Power boilers and high pressure, high temperature water boilers	\$ 50 annually

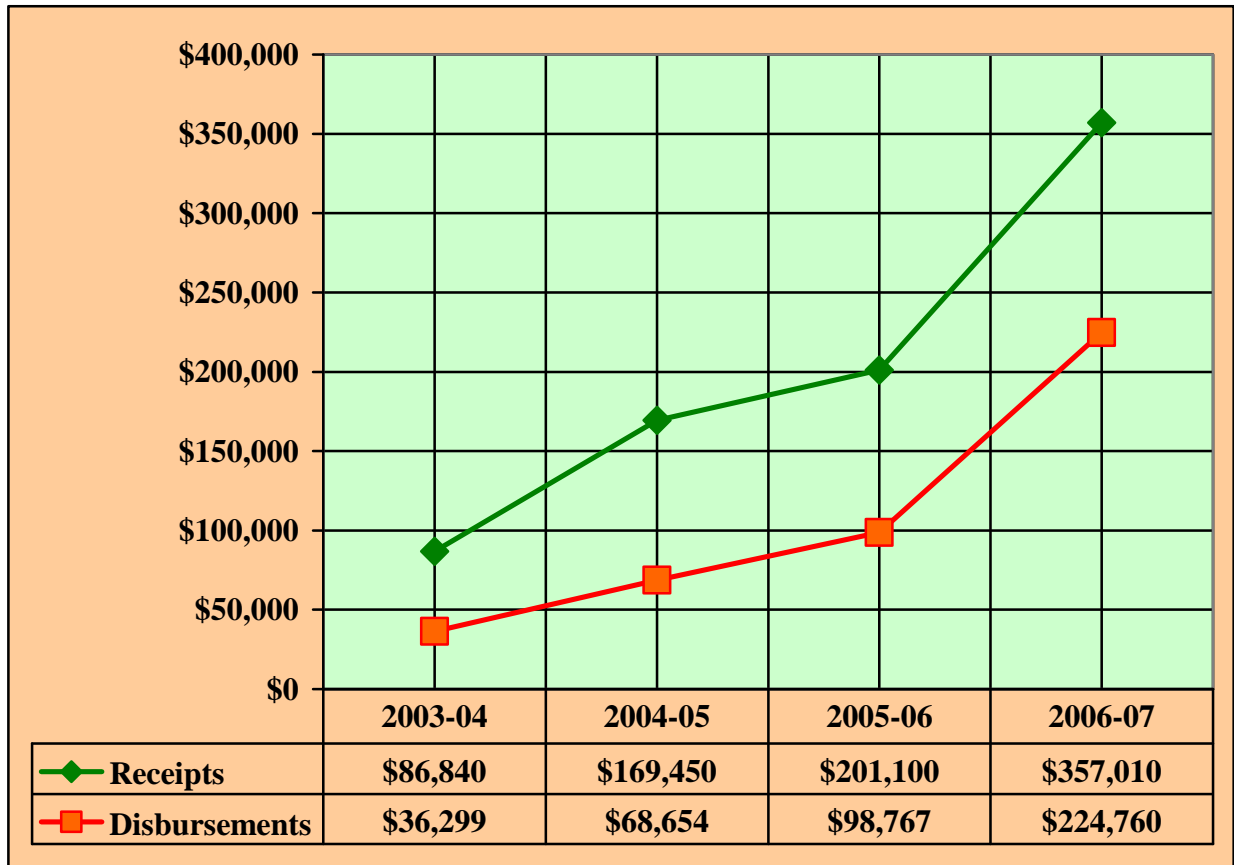
490-X-2-.02(3)(b)	Certificate of inspection: Low pressure steam or vapor heating boilers	\$ 50 biennially
490-X-2-.02(3)(c)	Certificate of inspection : Hot water heating and hot water supply boilers	\$ 50 biennially
490-X-2-.02(3)(d)	Certificate of inspection: Pressure vessels	\$ 10 annually
490-X-2-.02(4)	Failure to meet any of requirements of inspection preparation will result in cancellation of the inspection and will cause the owner, user, agent, or installer to be charged a fee of \$100 per hour, including travel time, for the inspector's time.	\$100 per hour
490-X-2-.02(5)(a)	Re-inspections not performed within 60 calendar day period shall result in a fine of five hundred dollars (\$500) for each boiler or pressure vessel not inspected.	\$500
490-X-2-.02(5)(c)	Interest of 1.5% for fees not paid within 60 days	
490-X-2-.02(6)	Special inspection fee	\$100

* Any boiler/pressure vessel that is of special design and cannot be constructed to the AMSE code. (Example: a vessel built in another country)

Schedule of Receipts, Disbursements, and Balances

	<u>2006/07</u>	<u>2005/06</u>	<u>2004/05</u>	<u>2003/04</u>
<u>Receipts</u>				
Fees	\$ 357,010.00	\$201,100.00	\$169,450.00	\$86,840.00
<u>Operating Disbursements</u>				
Personnel Costs	104,264.10	58,439.21	37,655.10	17,694.00
Employee Benefits	38,578.20	19,249.35	12,462.82	6,309.04
Travel In-State	10,850.58	4,995.67	749.94	394.74
Travel Out-of-State	2,472.64	0.00	0.00	0.00
Repairs and Maintenance	0.00	0.00	0.00	99.96
Rentals and Leases	13,080.64	9,445.47	11,992.08	0.00
Utilities and Communications	9,998.47	78.00	1,000.00	828.30
Professional Services	4,180.29	2,315.00	615.00	2,223.94
Supplies, Materials, and Operating Expenses	6,805.69	2,018.70	2,483.86	7,958.61
Transportation Equipment Operations	11,814.31	93.64	638.07	167.75
Transportation Equipment Purchases	18,797.00	0.00	0.00	0.00
Other Equipment Purchases	3,918.02	2,132.19	1,057.10	623.00
Total Operating Disbursements	224,759.94	98,767.23	68,653.97	36,299.34
Excess (Deficiency) of Receipts over Disbursements	\$ 132,250.06	102,332.77	100,796.03	50,540.66
Cash Balance at Beginning of Year	253,669.46	151,336.69	50,540.66	0.00
Cash Balance at End of Year	\$ 385,919.52	253,669.46	151,336.69	50,540.66
Reserved for End-of-Year Obligations	(12,234.70)	(11,000.00)	-	-
Unreserved Cash Balance	\$ 373,684.82	\$ 242,669.46	\$ 151,336.69	\$ 50,540.66

Operating Receipts Vs Operating Disbursements (Chart)



APPENDICES

Quarterly Performance Reports

Smart Quarterly Performance Report											
Fiscal Year: 2007											
Agency: 039 Labor, Department											
Org:											
Program: 021 REGULATORY SERVICES											
Activity: 8101 BOILER/PRESSURE VESSEL BD											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Workload/Cost Factor	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
WC1: Number of inspections to increase by 10%	0	502	1,957	0	1,418	0	1,693	0	1,326	0	0
Spending	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
SP1: This program is self supporting utilizing in an efficient manner all monies generated by the program, for operating costs	\$	50,250	89,210	0	82,570	0	111,390	0	73,570	0	0
Staffing	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
ST1: Currently one position is filled, need to increase staffing	0	1.5	2.5	0	2.5	0	3.5	0	3.5	0	0
Efficiency	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
EF1: Reduce the number of compliants to one per 100 inspections reports.	0	0	0	0	0	0	0	0	0	0	0
Quality	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
QU1: Reduce the time spent entring inspection reports by 2% (2052)	0	502	1,957	0	1,418	0	1,693	0	1,326	0	0

Friday, February 22, 2008

EBO Form 10

FY 08 SMART Quarterly Performance Report

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Basic Agency

Agency: 039 - Labor, Department				Program: 021 - REGULATORY SERVICES							
Organization: -				Activity: -							
Key Goal:											
Goal 2	Promote public awareness of our safety programs.								Governor's Priority:	4	
Objectives and Quarterly Targets:											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Objectives	Unit of Measure	Target	Actual	Target	Actual *	Target	Actual *	Target	Actual *	Target	Actual *
(O1-Efficiency) Establish training seminars for elevator/boiler inspectors, contractors & users with help from professional training organizations		5	0	5	0	5	0	5	0	20	0
* Actual performance data is not currently available for this quarter.											

Statutes

CHAPTER 12. THE BOILER AND PRESSURE VESSEL SAFETY ACT.

§ 25-12-1. Short title. This chapter shall be known and may be cited as the "Boiler and Pressure Vessel Safety Act" and, except as otherwise provided in this chapter, shall apply to all boilers and pressure vessels.
(Act 2000-315, p. 488, § 1.)

§ 25-12-2. Definitions. As used in this chapter, the following terms shall have the following meanings:

(1) Board. The Board of Boilers and Pressure Vessels.

(2) Boiler. A closed vessel in which water or other liquid is heated, steam or vapor is generated, or steam is superheated, or in which any combination of these functions is accomplished, under pressure or vacuum, for use externally to itself, by the direct application of energy from the combustion of fuels or from electrical, solar, or nuclear energy. The term "boiler" shall include fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves. The term "boiler" is further defined to include any of the following terms:

a. Heating boiler. A steam or vapor boiler operating at pressures not exceeding 15 psig or a hot water boiler operating at pressures not exceeding 160 psig or temperatures not exceeding 250 degrees Fahrenheit.

b. High pressure, high temperature water boiler. A water boiler operating at pressures exceeding 160 psig or temperatures exceeding 250 degrees Fahrenheit.

c. Power boiler. A boiler in which steam or other vapor is generated at a pressure of more than 15 psig.

(3) Certificate of inspection. An inspection, the report of which is used by the chief inspector to determine whether or not a certificate as provided by subsection (c) of Section 25-12-15 may be issued.

(4) Commissioner. The Commissioner of Labor.

(5) Department. The Department of Labor.

(6) Pressure vessel. A vessel other than those vessels defined in subdivision (2) in which the pressure is obtained from an external source or by the application of heat.
(Act 2000-315, p. 488, § 2.)

§ 25-12-3. Board of Boilers and Pressure Vessels. There is created within the Department of Labor a Board of Boilers and Pressure Vessels, which shall be referred to in this chapter as the board. The board shall consist of nine members, the majority of whom shall have experience in design, construction, inspection, repair, or operation of boilers or pressure vessels. Eight of these members shall be appointed by the Commissioner of Labor, two for a term of one year, two for a term of two years, two for a term of three years, and two for a term of four years. At the expiration of their respective terms of office, they or their successors identifiable with the same interest respectively as provided in this chapter shall be appointed for terms of four years each. The commissioner may at any time remove any member of the board for inefficiency or

neglect of duty in office. Upon the death or incapacity of any member, the commissioner shall fill the vacancy for the remainder of the unexpired term with a representative of the same interests with which his or her predecessor was identified. Of these eight appointed members, the majority of whom shall be registered professional engineers when available, one shall be a representative of owners and users of power boilers having experience with the boilers; one shall be a representative of owners and users of heating boilers; one shall be a representative of owners and users of pressure vessels having experience with the vessels; one shall be a representative of boiler or pressure vessel manufacturers; one shall be a representative of the crafts involved in the construction, repair, or operation of boilers or pressure vessels; one shall be a representative of the heating contractors; one shall be a representative of a company licensed to insure and insuring in this state boilers and pressure vessels; and one shall represent the public, for example, a mechanical engineer on the faculty of a recognized engineering college within the state or a licensed professional engineer. The ninth member of the board shall be the commissioner or his or her designee.

(Act 2000-315, p. 488, § 3.)

§ 25-12-4. Rules and regulations. (a)(1) The department, with the advice of the board, shall formulate definitions, rules, and regulations for the safe construction, installation, inspection, maintenance, and repair of boilers and pressure vessels in this state.

(2) The definitions, rules, and regulations formulated for new construction shall be based upon and at all times follow the generally accepted nationwide engineering standards, formulas, and practices established and pertaining to boiler and pressure vessel construction and safety. The department, with the advice of the board, may adopt an existing published codification, known as the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, with the amendments and interpretations made and approved by the council of the society, and may adopt the amendments and interpretations subsequently made and published by the same authority. When adopted, the codification shall be deemed to be incorporated into and shall constitute a part of the definitions, rules, and regulations of the department. Amendments and interpretations to the code shall be effective immediately upon being promulgated, to the end that the definitions, rules, and regulations shall at all times follow the generally accepted nationwide engineering standards.

(3) The department, with the advice of the board, shall formulate the rules and regulations for the inspection, maintenance, and repair of boilers and pressure vessels which were in use in this state prior to the date upon which the first rules and regulations under this chapter pertaining to existing installations become effective or during the 12-month period immediately thereafter. The rules and regulations shall be based upon and at all times follow generally accepted nationwide engineering standards and practices and may adopt the applicable sections of the Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors or API 510 of the American Petroleum Institute.

(b) The rules and regulations and any subsequent amendments formulated by the department shall be adopted pursuant to the Alabama Administrative Procedure Act, except the board shall allow a hearing by interested parties prior to adoption. The rules when promulgated shall have the force and effect of law, except that the rules applying to

the construction of new boilers and pressure vessels shall not become mandatory until 12 months after their promulgation by the department. Notice of the hearing shall give the time, the place, and state the matters to be considered at the hearing.

(c) Subsequent amendments to the rules and regulations adopted by the department shall be permissive immediately and shall become mandatory 12 months after their promulgation.

(Act 2000-315, p. 488, § 4.)

§ 25-12-5. Installation and operation to conform with rules and regulations. No boiler or pressure vessel which does not conform to the rules and regulations of the department governing new construction and installation shall be installed and operated in this state after 12 months from the date upon which the first rules and regulations under this chapter pertaining to new construction and installation shall have become effective, unless the boiler or pressure vessel is of special design or construction and is not inconsistent with the spirit and safety objectives of the rules and regulations, in that event, a special installation and operating permit may be granted by the department. (Act 2000-315, p. 488, § 5.)

§ 25-12-6. Maximum allowable working pressure. (a) The maximum allowable working pressure of a boiler carrying the ASME Code symbol or of a pressure vessel carrying the ASME or API-ASME symbol shall be determined by the applicable sections of the code under which it was constructed and stamped. Subject to the concurrence of the enforcement authority at the point of installation, the boiler or pressure vessel may be rerated in accordance with the rules of a later edition of the ASME Code and in accordance with the rules of the National Board Inspection Code or API 510, as applicable.

(b) The maximum allowable working pressure of a boiler or pressure vessel which does not carry the ASME or the API-ASME Code symbol shall be computed in accordance with the Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors.

(c) This chapter shall not be construed to prevent the use, the sale, or the reinstallation of a boiler or pressure vessel referred to in this section, provided it has been made to conform to the rules and regulations of the board governing existing installations and has not been found upon inspection to be in an unsafe condition.

(Act 2000-315, p. 488, § 6.)

§ 25-12-7. Exceptions. (a) This chapter shall not apply to the following boilers and pressure vessels:

(1) Boilers and pressure vessels under federal control or under regulations of Title 49 of the Code of Federal Regulations, Parts 192 and 193.

(2) Pressure vessels used for transportation and storage of compressed or liquefied gases when constructed in compliance with specifications of the United States Department of Transportation and when charged with gas or liquid, marked, maintained, and periodically requalified for use, as required by appropriate regulations of the United States Department of Transportation.

(3) Pressure vessels located on vehicles operating under the rules of other state or federal authorities and used for carrying passengers or freight.

(4) Air tanks installed on the right of way of railroads and used directly in the

operation of trains.

(5) Pressure vessels that do not exceed any of the following weights and measures:

- a. Five cubic feet in volume and 250 psig pressure.
- b. One and one-half cubic feet in volume and 600 psig pressure.
- c. An inside diameter of six inches with no limitation on pressure.

(6) Pressure vessels having an internal or external working pressure not exceeding 15 psig with no limit on size.

(7) Pressure vessels with a nominal water containing capacity of 120 gallons or less for containing water under pressure, including those containing air, the compression of which serves only as a cushion.

(8) Pressure vessels containing water heated by steam or any other indirect means when none of the following limitations are exceeded:

- a. A heat input of 200,000 BTU per hour.
- b. A water temperature of 210 degrees Fahrenheit.
- c. A nominal water containing capacity of 120 gallons.

(9) Hot water supply boilers, equipped with ASME-National Board approved safety relief valves, which are directly fired with oil, gas, or electricity when none of the following limitations are exceeded:

- a. Heat input of 200,000 BTU per hour.
- b. Water temperature of 210 degrees Fahrenheit.
- c. Nominal water containing capacity of 120 gallons.

(10) Pressure vessels in the care, custody, and control of research facilities and used solely for research purposes which require one or more details of noncode construction or which involve destruction or reduced life expectancy of those vessels.

(11) Pressure vessels or other structures or components that are not considered to be within the scope of ASME Code, Section VIII.

(12) Boilers and pressure vessels operated and maintained for the production and generation of electricity. A person, firm, partnership, or corporation operating such a boiler or pressure vessel shall have insurance or shall be self-insured. The boiler or pressure vessel shall be regularly inspected in accordance with the minimum requirements for safety as defined in the ASME Code by an inspector who has been issued a certificate of competency by the commissioner in accordance with Section 25-12-10.

(13) Boilers and pressure vessels operated and maintained as a part of a manufacturing process. A person, firm, partnership, or corporation operating such a boiler or pressure vessel shall have insurance or shall be self-insured.

(14) Boiler or pressure vessels that are subject to OSHA standards of compliance.

(15) Boilers and pressure vessels operated and maintained by a public utility, including, but not limited to, boilers and pressure vessels operated and maintained for the production of electricity.

(16) Autoclaves used only for the sterilization of reusable medical or dental implements in the place of business of any professional licensed by the laws of this state.

(b) The following boilers and pressure vessels shall be exempt from the requirements of subsections (b), (c), and (d) of Section 25-12-14 and Sections 25-12-15 and 25-12-16:

(1) Boilers or pressure vessels located on farms and used solely for agricultural or horticultural purposes.

(2) Heating boilers or pressure vessels which are located in private residences or in apartment houses of less than six family units.

(3) Any pressure vessel used as an external part of an electrical circuit breaker or transformer.

(4) Pressure vessels on remote oil or gas-producing lease locations that have fewer than 10 buildings intended for human occupancy per 0.25 square mile and where the closest building is at least 220 yards from any vessel.

(5) Pressure vessels used for storage of liquid propane gas under the jurisdiction of the state fire marshal, except for pressure vessels used for storage of liquefied petroleum gas, 2,000 gallons or above, which have been modified or altered.

(6) Air storage tanks not exceeding 16 cubic feet, 120 gallons, in size and under 250 psig pressure.

(7) This chapter exempts and shall not regulate any and all pressure vessels associated in any way with oil, natural gas, and related by-products, feedstock, and product manufacturing operations; including exploration, production, gas processing, treating refining chemical, pipeline, supply, storage, and transportation. This subdivision shall not apply to buildings or businesses, or both, subject to public utilization.

(Act 2000-315, p. 488, § 7.)

§ 25-12-8. Chief inspector. (a) The commissioner may appoint as chief inspector a citizen of this state who at the time of the appointment shall have not less than five years' experience in the construction, installation, inspection, operation, maintenance, or repair of high pressure boilers and pressure vessels as a mechanical engineer, steam operating engineer, boilermaker, or boiler inspector and who shall pass the same type of examination prescribed under Section 25-12-11. The chief inspector may be removed for cause after due investigation by the board and its recommendation to the commissioner.

(b) The chief inspector, if authorized by the commissioner, shall be charged, directed, and empowered to do all of the following:

(1) To take action necessary for the enforcement of the laws of the state governing the use of boilers and pressure vessels to which this chapter applies and of the rules and regulations of the department.

(2) To keep a complete record of the name of each owner or user and his or her location and, except for pressure vessels covered by an owner or user inspection service, the type, dimensions, maximum allowable working pressure, age, and the last recorded inspection of all boilers and pressure vessels to which the chapter applies.

(3) To publish and make available to anyone requesting them copies of the rules and regulations promulgated by the department.

(4) To issue or to suspend or revoke for cause inspection certificates as provided for in Section 25-12-15.

(5) To cause the prosecution of all violators of this chapter.

(Act 2000-315, p. 488, § 8.)

§ 25-12-9. Deputy inspectors. The commissioner may employ deputy inspectors who shall be responsible to the chief inspector. A deputy inspector at the time of appointment shall have three years of experience in the construction, installation, inspection,

operation, maintenance, or repair of high pressure boilers and pressure vessels as a mechanical engineer, steam operating engineer, boilermaker, or boiler inspector. A deputy inspector shall pass the examination provided for in Section 25-12-11. (Act 2000-315, p. 488, § 9.)

§ 25-12-10. Special inspectors. (a) In addition to the deputy inspectors authorized by Section 25-12-9, the commissioner, upon the request of any company licensed to insure and insuring in this state boilers and pressure vessels, or upon the request of any company operating pressure vessels in this state for which the owner or user maintains a regularly established inspection service which is under the supervision of one or more technically competent individuals whose qualifications are satisfactory to the department and causes the pressure vessels to be regularly inspected and rated by the inspection service in accordance with applicable provisions of the rules and regulations adopted by the department pursuant to Section 25-12-4, shall issue to each inspector of the insurance company a certificate of competency as a special inspector and to each inspector of the company operating a pressure vessel a certificate of competency as owner or user inspectors. Each inspector before receiving his or her certificate of competency shall satisfactorily pass the examination provided for by Section 25-12-11 or, in lieu of the examination, shall hold a commission or a certificate of competency as an inspector of boilers or pressure vessels from a state that has a standard of examination substantially equal to that of this state, or a commission as an inspector of boilers and pressure vessels issued by the National Board of Boiler and Pressure Vessel Inspectors. A certificate of competency as an owner or user inspector shall be issued to an inspector of a company operating pressure vessels in this state only if, in addition to meeting the requirements stated in this section, the inspector is employed full time by the company and is responsible for making inspections of pressure vessels used or to be used by the company and which are not for resale.

(b) The expenses or salary of special inspectors or owner or user inspectors shall not be paid by the state. The continuance of their certificates of competency shall be conditioned upon the special inspectors or owner or user inspectors continuing in the employ of the boiler insurance company or in the employ of the company operating pressure vessels in this state and upon their maintenance of the standards imposed by this chapter.

(c) The special inspectors or owner or user inspectors may inspect all boilers and pressure vessels insured or all pressure vessels operated by their respective companies. When inspected, the owners and users of the boilers and pressure vessels shall be exempt from the payment to the state of the inspection fees as prescribed in rules and regulations promulgated by the commissioner.

(Act 2000-315, p. 488, § 10.)

§ 25-12-11. Examination of inspectors. The examination for chief, deputy, special, or owner or user inspectors shall be in writing and shall be held by the board or by an examining board appointed in accordance with the requirements of the National Board of Boiler and Pressure Vessel Inspectors, with at least two members present at all times during the examination. The examination shall be confined to questions the answers to which shall aid in determining the fitness and competency of the applicant for the intended service and may be those prepared by the National Board of Boiler and Pressure Vessel Inspectors. If an applicant fails to pass the examination, the applicant may appeal

to the board for another examination which shall be given by the board after 90 days. The record of an applicant's examination shall be accessible to the applicant and employer of the applicant.

(Act 2000-315, p. 488, § 11.)

§ 25-12-12. Certificate of competency -- Suspension, hearing, reinstatement. (a) An inspector's certificate of competency may be suspended by the commissioner after investigation and recommendation by the board for the incompetence or untrustworthiness of the holder of the certificate, for willful falsification of any matter or statement contained in the application of the inspector, or in a report of any inspection he or she made. Written notice of any suspension shall be given by the commissioner within 10 days of the suspension to the inspector and the employer of the inspector. A person whose certificate of competency has been suspended shall be entitled to an appeal to the board pursuant to Section 25-12-19 and shall be present in person and may be represented by counsel at the hearing of the appeal.

(b) If the board believes that an inspector is no longer qualified to hold his or her certificate of competency, the board, upon 10 days' written notice to the inspector and the employer of the inspector, shall hold a hearing at which the inspector and his or her employer shall have an opportunity to be heard. If, as a result of the hearing, the board shall find that the inspector is no longer qualified to hold his or her certificate of competency, the board shall recommend to the commissioner that the certificate of competency be revoked and the commissioner shall immediately revoke the certificate of competency.

(c) A person whose certificate of competency has been suspended shall be entitled to apply, after 90 days from the date of the suspension, for reinstatement of the certificate of competency.

(Act 2000-315, p. 488, § 12.)

§ 25-12-13. Certificate of competency -- Replacement upon loss or destruction. If a certificate of competency is lost or destroyed, a new certificate of competency shall be issued without further examination.

(Act 2000-315, p. 488, § 13.)

§ 25-12-14. Certificate inspection. (a) The commissioner, the chief inspector, or any deputy inspector shall have free access, during reasonable hours, to any premises in the state where a boiler or pressure vessel is being constructed for use in, or is being installed in, this state for the purpose of ascertaining whether the boiler or pressure vessel is being constructed and installed in accordance with the provisions of this chapter.

(b)(1) On and after January 1, 2002, each boiler and pressure vessel used or proposed to be used within this state, except for pressure vessels covered by an owner or user inspection service as described in subsection (d) or except for boilers or pressure vessels exempt under Section 25-12-7, owners and users may request to waive this exemption, shall be thoroughly inspected as to their construction, installation, and condition as follows:

a. Power boilers and high pressure, high temperature water boilers shall receive a certificate inspection annually which shall be an internal inspection where construction permits; otherwise it shall be as complete an inspection as possible. The boilers shall also be externally inspected while under pressure, if

possible.

b. Low pressure steam or vapor heating boilers shall receive a certificate inspection biennially with an internal inspection every four years where construction permits.

c. Hot water heating and hot water supply boilers shall receive a certificate inspection biennially with an internal inspection at the discretion of the inspector.

d. Pressure vessels subject to internal corrosion shall receive a certificate inspection every three years with an internal inspection at the discretion of the inspector. Pressure vessels not subject to internal corrosion shall receive a certificate of inspection at intervals set by the board.

e. Nuclear vessels within the scope of this chapter shall be inspected and reported in the form and with the appropriate information as designated by the board.

(2) A grace period of two months beyond the periods specified in paragraphs a. and b. of subdivision (1) may elapse between certificate inspections.

(3) The department may provide for longer periods between certificate inspection in its rules and regulations.

(4) Pursuant to this chapter, the department shall be responsible for providing for the safety of life, limb, and property and shall have jurisdiction over the interpretation and application of the inspection requirements as provided for in the rules and regulations which it has promulgated. The person conducting the inspection during construction and installation shall certify as to the minimum requirements for safety as defined in the ASME Code. Inspection requirements of operating equipment shall be in accordance with generally accepted practice and compatible with the actual service conditions, which shall include all of the following:

a. Previous experience, based on records of inspection, performance, and maintenance.

b. Location, with respect to personnel hazard.

c. Quality of inspection and operating personnel.

d. Provision for related safe operation controls.

e. Interrelation with other operations outside the scope of this chapter.

(5) The board may permit variations in the inspection requirements based upon documentation of the actual service conditions by the owner or user of the operating equipment.

(c) The inspections required in this chapter shall be made by the chief inspector, by a deputy inspector, by a special inspector, or by an owner or user inspector provided for in this chapter.

(d) Owner or user inspection of pressure vessels shall be permitted. The owner or user inspection service shall be regularly established, and shall be under the supervision of one or more individuals whose qualifications are satisfactory to the board. The owner or user shall cause the pressure vessels to be inspected in conformance with the National Board Inspection Code or API 510, as applicable.

(e) If the inspector deems a hydrostatic test shall be necessary, it shall be made by the owner or user of the boiler or pressure vessel.

(f) All boilers, other than cast iron sectional boilers, and pressure vessels to be installed in this state after the 12-month period from the date upon which the rules and

regulations of the board shall become effective, shall be inspected during construction as required by the applicable rules and regulations of the board by an inspector authorized to inspect boilers and pressure vessels in this state or, if constructed outside of the state, by an inspector holding a commission issued by the National Board of Boiler and Pressure Vessel Inspectors.

(Act 2000-315, p. 488, § 14.)

§ 25-12-15. Inspection report; maintenance of records; inspection certificate. (a) Each company employing special inspectors, within 30 days following each certificate inspection made by the inspectors, shall file a report of the inspection with the chief inspector upon appropriate forms as promulgated by the commissioner. The filing of reports of external inspections, other than certificate inspections, shall not be required except when the inspections disclose that the boiler or pressure vessel is in a dangerous condition.

(b) Each company operating pressure vessels covered by an owner or user inspection service meeting the requirements of subsection (a) of Section 25-12-10 shall maintain in its files an inspection record which shall list, by number and any abbreviated description necessary for identification, each pressure vessel covered by this chapter, the date of the last inspection of each pressure vessel, and the approximate date for the next inspection. The inspection record shall be available for examination by the chief inspector or his or her authorized representative during business hours.

(c) If the report filed pursuant to subsection (a) shows that a boiler or pressure vessel is found to comply with the rules and regulations of the department, the chief inspector, or his or her duly authorized representative, shall issue to the owner or user an inspection certificate bearing the date of inspection and specifying the maximum pressure under which the boiler or pressure vessel may be operated. The inspection certificate shall be valid for not more than 14 months from its date in the case of power boilers, 26 months in the case of heating and hot water supply boilers, and 38 months in the case of pressure vessels. In the case of those boilers and pressure vessels covered by paragraphs a. to d., inclusive, of subdivision (1) of subsection (b) of Section 25-12-14, for which the board has established or extended the operating period between required inspections pursuant to the provisions of paragraphs c. and d. of subdivision (1) of subsection (b) of Section 25-12-14, the certificate shall be valid for a period of not more than two months beyond the period set by the board. Certificates for boilers shall be posted under glass, or similarly protected, in the room containing the boiler. Pressure vessel certificates shall be posted in like manner, if convenient, or filed where they will be readily accessible for examination.

(d) No inspection certificate issued for an insured boiler or pressure vessel based upon a report of a special inspector shall be valid after the boiler or pressure vessel for which it was issued shall cease to be insured by a company duly authorized by this state to provide the insurance.

(e) The commissioner or his or her authorized representative may at any time suspend an inspection certificate after showing cause that the boiler or pressure vessel for which it was issued cannot be operated without menace to the public safety or when the boiler or pressure vessel is found not to comply with the rules and regulations adopted pursuant to this chapter. Each suspension of an inspection certificate shall continue in effect until the boiler or pressure vessel shall conform to the rules and regulations of the department and

until the reinstatement of the inspection certificate.

(f) The commissioner or his or her authorized representative may issue a written order for the temporary cessation of operation of a boiler or pressure vessel if it has been determined after inspection to be hazardous or unsafe. Operations shall not resume until the conditions are corrected to the satisfaction of the commissioner or his or her authorized representative.

(Act 2000-315, p. 488, § 15.)

§ 25-12-16. Reinspection; payment of fees. (a) Boilers and pressure vessels subject to operating certificate inspections by special inspectors, or owner or user inspectors, shall be inspected within 60 calendar days following the required reinspection date. Inspections not performed within this 60 calendar day period shall result in a fine of five hundred dollars (\$500) for each boiler or pressure vessel not inspected.

(b)(1) Inspection fees due on boiler and pressure vessels subject to inspection by the chief or deputy inspectors or operating certificate fees due from inspections performed by special inspectors, or owner or user inspectors, shall be paid within 60 calendar days of completion of the inspections.

(2) Inspection fees or operating certificate fees unpaid within 60 calendar days shall bear interest at the rate of 1.5 percent per month or any fraction of a month.

Interest shall continue to accrue until all amounts due, including interest, are received by the commissioner.

(c) The commissioner may waive the collection of the penalties and interest assessed as provided in subsections (a) and (b) when it is reasonably determined that the delays in inspection or payment were unavoidable or due to the action or inaction of the department.

(Act 2000-315, p. 488, § 16.)

§ 25-12-17. Operation without valid inspection certificate. After 12 months for power boilers, 24 months for low pressure steam heating, hot water heating, and hot water supply boilers, and 36 months for pressure vessels following July 1, 2001, it shall be unlawful for any person, firm, partnership, or corporation to operate in this state a boiler or pressure vessel, except a pressure vessel covered by owner or user inspection service as provided for in Section 25-12-15, without a valid inspection certificate. The operation of a boiler or pressure vessel without the inspection certificate or at a pressure exceeding that specified in the inspection certificate or in violation this chapter shall constitute a misdemeanor.

(Act 2000-315, p. 488, § 17.)

§ 25-12-18. Disposition of fees. The owner or user of a boiler or pressure vessel required by this chapter to be inspected by the chief inspector or his or her deputy inspector shall pay directly to the chief inspector, upon completion of inspection, fees as prescribed in rules and regulations promulgated by the commissioner. Pressure vessel certificates of inspection fees shall not exceed ten dollars (\$10) annually. The chief inspector shall transfer all fees received to the General Fund of the State Treasury. All funds, pursuant to this chapter, deposited in the State Treasury shall be appropriated by the Legislature to the Commissioner of Labor pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41.

(Act 2000-315, p. 488, § 18.)

§ 25-12-19. Bond. The chief inspector shall furnish a bond in the sum of five thousand dollars (\$5,000) and each of the deputy inspectors employed and paid by the state shall furnish a bond in the sum of two thousand dollars (\$2,000) conditioned upon the faithful performance of their duties and upon a true account of moneys handled by them, respectively, and the payment thereof to the proper recipient.
(Act 2000-315, p. 488, § 19.)

§ 25-12-20. Appeal and review. (a) Any person aggrieved by an order or an act of the commissioner or the chief inspector under this chapter may, within 15 days of notice thereof, appeal from the order or act to the board which, within 30 days thereafter, shall issue an appropriate order either approving or disapproving the order or act. A copy of the order by the board shall be given to all interested parties.

(b) After any order or act of the board, any person aggrieved thereby may file a petition in the Circuit Court of Montgomery County for review pursuant to the Alabama Administrative Procedure Act.
(Act 2000-315, p. 488, § 20.)

§ 25-12-21. Preemption. No county, municipality, or other political subdivision shall have the power to make any laws, ordinances, or resolutions providing for the construction, installation, inspection, maintenance, and repair of boilers and pressure vessels within the limits of the county, municipality, or other political subdivision.
(Act 2000-315, p. 488, § 21.)

§ 25-12-22. Sunset provision. The Board of Boilers and Pressure Vessels shall be subject to the Alabama Sunset Law, Title 41, Chapter 20, as an enumerated agency as provided in Section 41-20-3, and shall have a termination date of October 1, 2004, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law.
(Act 2000-315, p. 488, § 22.)

Board Members



JIM BENNETT
COMMISSIONER

Ralph Pate
Chief Inspector
Elevator/Boiler
Safety Division

STATE OF ALABAMA DEPARTMENT OF LABOR

100 NORTH UNION STREET-SUITE 620
P.O. BOX 303500
MONTGOMERY, ALABAMA
ZIP 36130-3500

PHONE (334) 242-3460

FAX (334) 240-3417



November 28, 2007

The following individuals comprise the Board of Boiler and Pressure Vessels, a 9 Member board appointed by Labor Commissioner for original staggered terms of 1, 2, 3, and 4 years. Then 4 years each.

Dr. David Dyer

ddyer@eng.auburn.edu

2616 Orchard Circle
Auburn University, AL 36849
Ph # 334-844-3305
White Male
Represents Public/Engineering Schools
Originally Appointed September 10, 2003 for 4 years
Current Term Expires September 10, 2011
Officer/Chairman

Jim Bennett

jbennett@alalabor.alabama.gov

Commissioner, Dept of Labor
P.O. Box 303500
Montgomery, AL 36130-3500
334 242-3071
White Male

Represents Dept of Labor
No Term Limit

Mr. R. Barry Latham

blatham@mcabeeconstruction.com

4211 Lake Bend Drive
Tuscaloosa, AL 35405
205-349-2212
White Male
Represents Boiler and Pressure Vessel Manufacturers
Originally Appointed September 10, 2003 for 4 years
Current Term Expires September 10, 2011

Mr. Jerry Rhodes
1721 Cedar Bend Road, North
Southside, AL. 35907
Ph # 256-240-2386 ext. 2050
White Male
Represents Owners and Users/Pressure Vessels
Originally Appointed September 10, 2003 for 1 year
Current Term expires September 10, 2008

jerry.rhodes@wgint.com

Mr. Ed Ray Sullivan
448 Price Drive
Birmingham, AL 35215
Ph # 205-591-5555
White male
Represents Heating Contractors
Originally Appointed September 10, 2003 for 1 year
Current Term expires September 10, 2008

jsull90444@aol.com

Mr. Gene R. Canavan
1499 Forest Trail
Prattville, AL 36066
Ph# 334-361-5615
White Male
Represents Owners and Users of Heating Boilers
Originally Appointed September 10, 2003 for 2 years
Current Term Expires September 10, 2009

genekathy@knology.net

Mr. Steve Speed
155 Raccoon Branch Road
Jasper, AL 35504
Ph# 205-387-7051
White Male
Represents Crafts Trade (Boilermakers)
Originally Appointed September 10, 2003 for 3 years
Current Term Expires September 10, 2010

stevespeed@bellsouth.net

Mr. Joe Pledger
5862 Vaughn Drive, East
Satsuma, AL 36572
Ph# 251-675-1989
White Male
Represents Owners and Users of Power Boilers
Originally Appointed September 10, 2003 for 3 years
Current Term Expires September 10, 2010

joepledger@ibew.org

Jerry W. Godwin

1113 Sneed Drive

Atmore, AL 36502

Ph# 251-368-8916

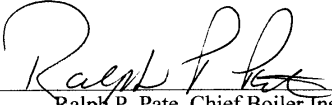
White Male

Represents Companies licensed to Insure Boilers/Pressure Vessels

Originally Appointed September 10, 2005

Current Term Expires September 10, 2009

jgodwin@spt.com

Signed, 
Ralph P. Pate, Chief Boiler Inspector

RESPONSE TO SIGNIFICANT ITEMS



JIM BENNETT
COMMISSIONER

Ralph Pate
Chief Inspector
Elevator/Boiler
Safety Division

**STATE OF ALABAMA
DEPARTMENT OF LABOR**

100 NORTH UNION STREET-SUITE 620
P.O. BOX 303500
MONTGOMERY, ALABAMA
ZIP 36130-3500

PHONE (334) 242-3460

FAX (334) 240-3417



July 14, 2008

John E. Norris
Director, Operational Division
Examiners of Public Accounts
State of Alabama
Gordon Persons Building
50 North Ripley Street
Montgomery, Alabama 36104-3833

Dear Mr. Norris:

Attached are responses to significant items you requested from the Board of Boiler and Pressure Vessels.

The attachment is in a word document to allow you to copy and paste them in the document of your choice. If you prefer a different method please let me know.

Response to significant item #1

SB13 sponsored by Sen. McClain during the 2008 Special Legislative Session would have corrected this problem as well as previous bills mentioned. Although we can continue to try and correct this item through the normal legislative process, the Department respectfully requests the Sunset Committee correct this item through its Sunset legislation.

Response to significant item #2

SB13 sponsored by Sen. McClain during the 2008 Special Legislative Session would have corrected this problem as well as previous bills mentioned. The Department will continue its efforts to correct this through the normal legislative process, and will be grateful for any help the Sunset Committee may choose to offer in the future.

Response to significant item #3

SB13 sponsored by Sen. McClain during the 2008 Special Legislative Session would have corrected this problem as well as previous bills mentioned. The Department will continue its efforts to correct this through the normal legislative process, and will be grateful for any help the Sunset Committee may choose to offer in the future.

Response to significant item #4

SB13 sponsored by Sen. McClain during the 2008 Special Legislative Session would have corrected this problem as well as previous bills mentioned. The Department will continue its efforts to correct this through the normal legislative process, and will be grateful for any help the Sunset Committee may choose to offer in the future.

Response to significant item #5

SB13 sponsored by Sen. McClain during the 2008 Special Legislative Session would have corrected this problem as well as previous bills mentioned. The Department will continue its efforts to correct this through the normal legislative process, and will be grateful for any help the Sunset Committee may choose to offer in the future.